



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,004	10/07/2003	Anthony J. Shaw	458710-2010	4521
20999	7590	03/28/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			MAL, TRI M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,004

Applicant(s)

SHAW, ANTHONY J.

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plastic rigid frame including the moisture layer in claims 2-7, padded element in claims 10, 14, 15, 16, all of the fastening elements in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Furthermore, the examiner cannot comprehend the upper and lower back elements. Applicant is required to provide drawings in place of photographs in response to this Office Action.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims

2. Claim 1, 4, 8, 9, and 18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ruggiano (4271998) in view of Boone (7004362), and further in view of Eppolito (4438764).

Ruggiano teaches a load carry apparatus having a base 52 with first and second sides, two adjustable shoulder straps 24, a load restraining assembly fixedly attached to the base including first and second adjustable straps 38, and 18. Ruggiano meets all claimed limitations except for the belt with a load bearing element and the strap storage element.

With respect to the strap storage element, Eppolito teaches that it is known in the art to provide strap storage elements 37, 39. It would have been obvious for one of ordinary skill in the art to provide strap storage element in Boone as taught by Eppolito to enable one to store the straps when not in use.

Boone teaches that it is known in the art to provide a belt with a load-bearing element. It would have been obvious for one of ordinary skill in the art to provide a belt with a load-bearing element to provide added stability.

Regarding claim 2, note the block 48 made of plastic.

It would have been obvious for one of ordinary skill in the art to make the fabric from nylon as taught by Eppolito (col. 2, ln. 47) to provide the desired material.

3. Claim 3 is rejected under 35 U.S.C. 103 (a) as being unpatentable over the Ruggiano rejection as set forth above, and further in view of Gregory (5228609). It would have been obvious for one of ordinary skill in the art to make the block from polyethylene as taught by Gregory (portion 15) to provide the desired material.

4. Claims 17, and 18 are rejected under 35 U.S.C. 102 (b) as being anticipated by Boone (7004362/20030106916). Boone teaches a base, shoulder straps, and hip load bearing elements, adjustable waist belt, and load restraining assembly with respect to vertical and horizontal axis.

5. Claims 1-13, and 16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Boone in view of Eppolito. Boone teaches a load carrying apparatus having a base with 1st and 2nd sides, shoulder straps, hip load bearing elements and waist belt, and load restraining assembly including first and second adjustable straps a first vertical straps 110 and second straps 210.

With respect to the strap storage element, Eppolito teaches that it is known in the art to provide strap storage elements 37, 39. It would have been obvious for one of ordinary skill in the art to provide strap storage element in Boone as taught by Eppolito to enable one to store the straps when not in use. Regarding claim 2, note stiffening member 20 (col. 10, ln. 47).

6. Claims 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boone in view of Gregory (5228609) or Gleason (6626342). It would have been obvious to one of ordinary skill in the art to provide padded elements in the upper and lower back support as taught by Gregory (74, 18) or Gleason (22) to provide added comfort.

7. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by anyone of Swetish (5954253), Frederick (6347730), and Archibald (1334582). Each of Swetish, Frederick and Archibald teaches base, two straps, and hip load bearing elements, an adjustable waist belt, and load restraining assembly in vertical and horizontal axes.

8. Claims 1, 2, 3, 8, 9, 10, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swetish in view of Eppolito. Swetish teaches a base, two adjustable shoulder straps, load bearing element, waist belt and load restraining elements 24 another horizontal one tying the bag

12. Swetish meets all claimed limitations except for the strap storage element. Eppolito teaches that it is known in the art to provide strap storage elements 37, 39. It would have been obvious for one of ordinary skill in the art to provide strap storage element in Swetish as taught by Eppolito to enable one to store the straps when not in use.

Regarding claim 2, note the stiffening member 20 (col. 10, ln. 47). It is noted that the frame in Swetish is substantially rigid as claimed. Regarding claim 4, It would have been obvious to one of ordinary skill in the art to make the frame from polyethylene to provide the desired material for the base.

9. Claims 1-3, and 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Swetish rejection above, in view of either Jankoski et al. (2003/0150895) or Frederick (6347730). To the degree it is argued that Swetish does not teach horizontal strap. It would have been obvious to one of ordinary skill in the art to provide vertical and horizontal straps ending with buckle as taught by Jankoski (16 and 17) or Frederick (40) to provide an alternative strap arrangement for securing the object.

10. Claims 1, 2, 8-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbel (5634576) in view of Eppolito, and further in view of either Jankoski et al. (2003/0150895) or Frederick (6347730). Arbel teaches a base, load bearing element, and waist belt. It would have been obvious to one of ordinary skill in the art to provide vertical and horizontal straps ending with buckle as taught by Jankoski (16 and 17) or Frederick to provide an alternative strap arrangement for securing the object.

With respect to the strap storage elements, Eppolito teaches that it is known in the art to provide strap storage elements 37, 39. It would have been obvious for one of ordinary skill in

the art to provide strap storage element in Arbel as taught by Eppolito to enable one to store the straps when not in use.

11. Claims 3-7, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbel in view of Jankioski, and further in view of Gleason. Gleason teaches that it is known in the art to provide base with a rigid frame 50, covering and padding 22. It would have been obvious to one of ordinary skill in the art to provide a rigid frame with covering and padding to provide added comfort for the bearer. Furthermore, it would have been obvious to one of ordinary skill in the art to make the frame from PET and the fabric from nylon to provide the desired material for the base.


12. Claims 1, 2, 8-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbel (5634576) in view of Jankoski et al. or Lane, Jr. (4082208). Arbel teaches a base, load bearing element, and waist belt. It would have been obvious to one of ordinary skill in the art to provide vertical and horizontal straps ending with buckle as taught by Jankoski (16 and 17) or Lane, Jr. to provide an alternative strap arrangement for securing the object.

Eppolito teaches that it is known in the art to provide strap storage elements 37, 39. It would have been obvious for one of ordinary skill in the art to provide strap storage element in Arbel as taught by Eppolito to enable one to store the straps when not in use.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai 
Primary Examiner
Art Unit 3727